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FILED
07 OCT -3 AM 10:36
U.S. DISTRICT COURT
DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
Rodolfo ORTIZ-Castellanos,
Defendant

Magistrate Case No. '07 MJ 2365

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **October 1, 2007,** within the Southern District of California, defendant **Rodolfo ORTIZ-Castellanos** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Luis REYES-Solentino, Zeferino SANCHEZ-De Jesus,** and **Leonel HERNANDEZ-Perez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF **OCTOBER, 2007**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

cp/H

CONTINUATION OF COMPLAINT:
Rodolfo ORTIZ-Castellanos

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Jose Luis REYES-Solentino, Zeferino SANCHEZ-De Jesus,** and **Leonel HERNANDEZ-Perez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 1, 2007, Border Patrol Agent M. Torres was working at the San Clemente Border Patrol Checkpoint, which was fully operational, all signs and lights were displayed. At approximately 7:15 P.M., several motorists notified her that a vehicle was traveling in reverse in the northbound lanes of traffic on Interstate-5 (I-5) just south of the checkpoint. Agent Torres notified the station. Agent F. Espinosa was observing northbound traffic on the station camera during checkpoint operations. Agent Espinosa observed what appeared to be a small sport utility vehicle make an illegal u-turn on the northbound I-5 and drive southbound in the median at what appeared to be a high rate of speed against heavy traffic. Agent Espinosa notified San Clemente Border Patrol Agents of what he was observing. Agent P. Carrillo responded to the area one mile north of the Las Pulgas on ramp on the I-5. Using emergency lights Agent Carrillo initiated a vehicle stop on a 1992 Isuzu Rodeo approximately five miles south of the checkpoint. Agent Carrillo identified himself as a Border Patrol Agent and questioned the vehicle occupants as to their citizenship. The occupants said they were citizens of Mexico and did not have immigration documents. Agent Carrillo placed the driver later identified as the defendant, Rodolfo ORTIZ-Castellanos and the passengers under arrest and transported them to the station for further investigation and processing.

DEFENDANT STATEMENT:

The defendant was advised of his Miranda Rights, which he waived and said he was willing to answer questions. The defendant stated that he was illegally present in the United States and that he had entered illegally through the mountains of Tecate, California area on May 23, 2006. The defendant said he entered the United States to make money and to live in Encinitas, California. The defendant said he was the driver of the Red 1992 Isuzu and that it was stupid of him to dive southbound in the northbound lanes. The defendant stated that he decided to turn around and drive southbound on the northbound I-5 when he saw the checkpoint operational and that he was traveling at approximately 40 mph. The defendant said he was not charging the passengers any money and that the owner of the vehicle asked him to drive the passengers to Los Angeles, California. The defendant stated he did not know that the passengers were illegally present in the United States.

MATERIAL WITNESSES STATEMENT:

Jose Luis REYES-Solventino stated that an unknown person drove him to Mexicali and that he crossed with other passengers east of Mexicali. REYES claims he was picked up on the side of the highway by an unknown driver and was drive to Encinitas, California. REYES said he and the other passengers were dropped off at a gas station and picked up by the defendant. REYES positively identified the driver as the defendant.

CONTINUATION OF COMPLAINT:
Rodolfo ORTIZ-Castellanos

CRH

MATERIAL WITNESSES STATEMENT:

Zerefino SANCHEZ-De Jesus stated he entered through Tecate, California on or about September 30, 2007, by walking through the mountains. SANCHEZ stated he entered to look for work and his final destination was Los Angeles, California. SANCHEZ said he made arrangements with an unknown smuggler for $1700.00. SANCHEZ said the defendant who was identified as the driver placed him in the vehicle and drove him to the San Clemente checkpoint. SANCHEZ identified the defendant as the driver in a photo a photo line-up and also said he feared for his life when the defendant was driving southbound in the northbound lanes of I-5. SANCHEZ said he told the defendant to stop the vehicle but the defendant refused.

MATERIAL WITNESSES STATEMENT:

Leonel HERNANDEZ-Perez stated that he entered through Mexicali on September 30, 2007 on foot. HERNANDEZ said he made arrangements with a smuggler to bring him to the United States for $1700.00. HERNANDEZ purpose for entry was to find work in Los Angeles, California. HERNANDEZ said that he traveled from Mexicali to Encinitas, California and then to San Clemente checkpoint where they were arrested. HERNANDEZ believes that the defendant knew he was illegally present in the United States, he also stated that he was in fear for his life when the defendant was driving the wrong way on the freeway and that he asked the defendant to be careful. HERNANDEZ positively identified the defendant as the driver of the vehicle in a photo line-up presented to him.